plaintiff was alive at the testator's death and was the oldest grandson alive at the death of the first grandson to take. *Held*, that the plaintiff is entitled to the portraits. *Wentworth* v. *Wentworth*, 92 Atl. 733 (N. H.).

The court seems right in treating the plaintiff's interest as contingent. The gift is not one of a succession of life estates to named descendants, but rather a bequest to him who shall fulfill a certain description at a given moment, and until that moment arrives the person is unascertainable. At common law, therefore, limitations to grandsons other than the first one to take would be too remote, since the estates would not necessarily vest within the period of lives in being and twenty-one years. The court admits this, but says that the New Hampshire rule is to carry out the testator's intent as far as possible and hold the gifts good for the lives in being at the testator's death and twenty-one years thereafter. In an earlier case the same court changed a contingent gift to unborn grandchildren at forty into a gift to them at twenty-one and thus sustained the devise. *Edgerly* v. *Barker*, 66 N. H. 434, 31 Atl. 900. Professor Gray's criticism of that case makes further censure unnecessary. See 9 HARV. L. REV. 242; GRAY, RULE AGAINST PERPETUITIES, §§ 857–893. The principal case seems to adopt a still more pernicious rule, for while the interest might not have vested until after the prescribed period, the court holds it not too remote simply because it did in fact vest within a proper time.

TAXATION — COLLECTION AND ENFORCEMENT — EQUITY JURISDICTION. — The plaintiff, an unpaid holder of bonds of the defendant county, obtained judgment but not satisfaction in a United States District Court. A number of writs of mandamus issued commanding the proper county officers to raise a tax. These officials, however, either evaded service, or "wilfully and defiantly refused to obey," with the result that "the plaintiff is utterly remediless at law by mandamus or otherwise." The plaintiff thereupon asked that a commissioner, or receiver, or other officer, be appointed in equity to levy, collect, and pay over the tax. Missouri statutes in force at the time of the bond issue provided that in addition to regular taxes "no other tax for any purpose shall be assessed, levied, or collected" except by order of the circuit court of the county according to a prescribed procedure. MO. R. S., 1909, §§ 11416–7. *Held*, that the relief asked will not be given. *Yost* v. *Dallas County*, 35 Sup. Ct. 235.

A discussion of the jurisdiction of the courts to compel the exercise of the taxing power will be found in this issue of the REVIEW, p. 617.

TELEGRAPH AND TELEPHONE COMPANIES — LIABILITY TO ADDRESSEE — DISCLOSURE OF MESSAGE: ILLEGAL TRANSACTIONS OF ADDRESSEE AS DEFENSE. — Two telegrams containing no imputation of immorality on their face were shown by the telegraph company's agent to friends of the addressee. One of the messages was also delivered unsealed to his mother, who read it. As a result of these disclosures it became known that the sender was a prostitute and that the addressee was her paramour. His consequent disrepute resulted in the loss of his position and other serious damages. He now sues the telegraph company. *Held*, that since the action is based on the addressee's own immoral transactions, it will be dismissed. *Western Union Tel. Co.* v. *McLurin*, 66 So. 789 (Miss.).

The addressee of a telegram has a right of action against the telegraph company for negligence in regard to the transmission of the message. *Western Union Tel. Co.* v. *Allen*, 66 Miss. 549, 6 So. 461; *Herron* v. *Western Union Tel. Co.*, 90 Ia. 129, 57 N. W. 696; *Contra*, *Playford* v. *United Kingdom Electric Tel. Co.*, L. R. 4 Q. B. 706. An addressee may also recover damages for the disclosure of the message. *Cock* v. *Western Union Tel. Co.*, 84 Miss. 380, 36 So. 392. See *Barnes* v. *Postal Telegraph-Cable Co.*, 61 N. C. 150, 154. In either case his